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BEFORE THE

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Federal Communications Commission, 12 19

WASHINGTON, D.C.

Federal Communications Commission Office of Secretary

IN THE MATTER OF:)	MM DOCKET No. 96-195
Amendment of 47 C.F.R. §73.202(b) Table of FM Allotments (Geneseo, Illinois and DeWitt, Iowa))	RM-8867
To: The Chief, Allocations Branch Policy and Rules Division) } }	DOCKET FILE COPY ORIGINAL

COMMENTS OF CONNOISSEUR COMMUNICATIONS OF QUAD CITIES, L.P.

Counsel, and pursuant to Section 1.415 of the Commission's Rules, hereby respectfully submits these Comments in support of the above-captioned *Notice of Proposed Rule Making*, to substitute Channel 285C3 for Channel 285A at Geneseo, Illinois, to reallot Channel 285C3 from Geneseo, Illinois to DeWitt, Iowa, and to modify the license of Radio Station WGEN-FM, Geneseo, Illinois, accordingly. In support whereof, the following is shown:

Introduction

1. Pursuant to a Petition for Rule Making submitted by CCQC, the Commission issued the *NPRM* on September 20, 1996, proposing to amend the Table of FM Allotments Section 73.202(b) of the Rules, as follows:

Community	Present	Proposed
Geneseo, Illinois	285A	
DeWitt, Iowa		285C3

¹ DA 96-1535 (released September 20, 1996) (hereinafter, "NPRM").

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- 2. The Commission requested that Comments be submitted by members of the public on the proposal on or before November 12, 1996. Accordingly, the instant Comments of CCQC are being submitted in timely fashion.
- 3. CCQC is the Licensee of Radio Stations WGEN (AM) and WGEN-FM, Geneseo, Illinois². Radio Station WGEN-FM is presently authorized to operate on Channel 285A. CCQC seeks to have the Commission amend the FM Table of Allotments to permit an upgrade of the present allotment to a Class C3 facility, and to change WGEN-FM's community of license to DeWitt, Iowa.

Technical Showings

4. CCQC hereby incorporates by reference herein its original Petition. As demonstrated in its Petition, the proposal will meet all of the spacing and other technical requirements set forth in 47 CFR §§73.207 and 73.210.³

Public Interest Considerations

5. Gains and Losses. In its Petition, CCQC provided technical information which demonstrated that adoption of the proposal would result in a significant net gain in service coverage area versus loss of service: specifically, the reallotment and upgrade would result in a net gain in population served of 196,097 versus a net loss of

 $^{^2\,}$ CCQC became the Licensee of WGEN AM & FM on July 31, 1996, pursuant to BAL-960528GM and BALH-960528GN.

³ Furthermore, because the proposed allotment of Channel 285C3 in DeWitt, Iowa is mutually exclusive with the present use of Channel 285A in Geneseo, Illinois, this proposal falls under Sections 1.420(g) and 1.420(I) of the Commission's Rules, and other expressions of interest need not be entertained by the Staff under current allocation policies.

12,744,⁴ and the net gain in area would be 2,963 square km versus 765 square km lost.⁵

- 6. Response to Commission Request for Data. In paragraph 4 of the NPRM, The Commission Staff requested additional data on the total reception of services that are presently available in the gain-loss area. Attached hereto as **Exhibit 1**, is the Engineering Statement of Roy P. Stype, III of the Engineering firm of Carl E. Smith, which provides the requested data. As the attached Engineering Statement demonstrates, that Community of Geneseo is served by a number of signals. The total loss area will continue to be served by a minimum of twelve full time aural broadcast services, and in some areas by as many as 17. The gain area is served by an even greater number of other full time aural broadcast services.
- 7. Consistency with Commission Policy Objectives. As demonstrated in its original Petition, CCQC believes the public interest will be served by adopting the proposed amendment, since it will provide DeWitt, Iowa with its first local aural transmission and will enable WGEN-FM significantly to expand its FM service area. This new service will promote the Commission's goal of enhancing diversity of thought and opinion in the broadcast media, as well as Congress's charge to the Commission to ensure a fair, efficient and equitable distribution of radio services in the United States. Furthermore, under Commission policies, the proposed substitution and upgrade would constitute a preferential arrangement of allotments, and encourage the

⁴ See CCQC's Petition for Rule Making, Engineering Statement (Exhibit 1), Table 1.2.

⁵ *Id*.

⁶ While providing First Time service to DeWitt, as shown in the Petition, even after the proposed change in community of license, WGEN-FM would continue to provide primary (1 mV/m) service on Channel 285C3 to all of Geneseo, Illinois.

⁷ 47 U.S.C. §307(b)

maximization of broadcast facilities. See generally, Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989) ("Change of Community R&O"), (recon. granted in part, 5 FCC Rcd 7094 (1990)) and Modification of FM and TV Stations Licenses, 49 FR 34007 (August 28, 1984, at ¶13).

8. Local Support for Proposed Amendment. CCQC's proposal has the support of the community leaders of DeWitt, Iowa. Attached hereto, as Exhibit 2 is a letter dated November 8, 1996, jointly signed by Scott G. Cooper, Executive Director of the DeWitt Chamber of Commerce, and by Leo Maynard, Mayor of the City of DeWitt, stating their desire for a local radio station to serve the City of DeWitt, and their support for the instant proposal. Accordingly, for the reasons noted above, adoption of the instant proposal would serve the public interest, convenience and necessity.

Statement of Continuing Interest

9. CCQC hereby reiterates its intention that, should the Commission grant CCQC's request and ultimately adopt the proposed amendments to the FM Table of Allotments set forth in the *NPRM*, CCQC will promptly file an application to improve the facilities of WGEN-FM to specify operation on Channel 285C3 at DeWitt, Iowa. Upon grant of such application, CCQC will promptly construct the facilities authorized therein.

Conclusion

WHEREFORE, the above premises considered, CCQC respectfully urges that the Commission AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

Community	Present	Proposed
Geneseo, Illinois	285A	*******
DeWitt, Iowa		285C3

Respectfully submitted,

CONNOISSEUR COMMUNICATIONS OF QUAD CITIES, L.P.

Law Offices

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Sterling VA 20167-0217

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David M. Hunsaker

By: John C. Trent

Its Attorneys

November 12, 1996

EXHIBIT NO. I
COMMENTS OF CONNOISSEUR
COMMUNICATIONS OF QUAD CITIES, L.P.

ENGINEERING STATEMENT IN SUPPORT OF COMMENTS

MM DOCKET 96-195

CHANNEL 285C3 - DEWITT, IA

Connoisseur Communications of Quad Cities, L.P. Geneseo, IL

November 7, 1996

Prepared for: Mr. Jeff Warshaw

Connoisseur Communications

136 Main Street Westport, CT 06880

CARL E. SMITH CONSULTING ENGINEERS

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ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Connoisseur Communications of Quad Cities, L.P., to prepare the attached "Engineering Statement in Support of Comments - MM Docket 96-195 - Channel 285C3 - DeWitt, IA.

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

Roy P. Stype, III

Subscribed and sworn to before me on November 7, 1996.

Shori Lynn Keuts

SHERI LYNN KURTZ, Notary Public Residence - Summit County State Wide Juriediction, Ohio My Commission Expires June 14, 2000

/SEAL/

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Connoisseur Communications of Quad Cities, L.P., licensee of Radio Station WGEN-FM - Geneseo, Illinois, and proponent of MM Docket 96-195, which proposes to substitute Channel 285C3 in DeWitt, lowa, for Channel 285A in Geneseo, Illinois, and modify the license of WGEN-FM to specify operation on Channel 285C3 in DeWitt. It supports comments in this proceeding and supplies additional information requested in the Notice of Proposed Rulemaking ("NPRM") in this proceeding.

Paragraph 4 of this NPRM requests the submission of additional data regarding the number of other full time aural services to the gain and loss areas associated with this proposal. Figure 1.0 is a map exhibit, extracted from the petition for rulemaking in this proceeding, depicting the present and proposed WGEN-FM 1 mV/m contours, as well as the associated gain and loss areas. The proposed contour assumes operation with an effective radiated power of 25 kilowatts at 100 meters above average terrain, while the present contour assumes operation with an effective radiated power of 3 kilowatts at 100 meters above average terrain. Pursuant to FCC policy at the rulemaking stage, both of these contours were projected assuming uniform terrain.

Studies were then conducted to identify all other stations which provide full time aural service to any portion of the gain or loss areas. For all FM stations, uniform terrain was assumed and all classes of stations were assumed to provide service to their 1 mV/m contour, pursuant to FCC policy. All commercial FM stations, with the exception of Class A and Class C stations, were assumed to be operating with the maximum facilities permitted for their class. Calculations for commercial Class C stations and all

noncommercial educational FM stations were based on the stations' actual notified operating facilities. Class A stations were considered to be operating with the greater of their actual operating facilities or the former Class A maximum of 3 kilowatts effective radiated power at 100 meters above average terrain. All AM contours were projected utilizing the notified nighttime facilities for each station and conductivity data from FCC Figure M3. Class A AM stations were considered to provide service to their 0.5 mV/m groundwave contours, while all other AM stations were considered to provide service to their nighttime interference free contour, as defined by Section 73.182 of the FCC Rules. Class D AM stations operating at night with subminimum facilities were not considered in these studies, due to the fact that these stations operate on a secondary basis at night and are considered by the FCC to be daytime only stations, in spite of their limited nighttime facilities.

Table 1.0 is a tabulation of all stations which provide full time aural service to any portion of the WGEN-FM gain area. Those stations listed with an asterisk provide full time aural service to the entire gain area. These 34 stations result in a minimum of 13 other full time aural services to this entire gain area, with some portions of this gain area receiving as many as 20 other full time aural services. Table 1.1 is a tabulation of all stations which provide full time aural service to any portion of the WGEN-FM loss area. Those stations listed with an asterisk provide full time aural service to the entire loss area. These 19 stations result in a minimum of 12 other full time aural services to this entire loss area, with some portions of this loss area receiving as many as 17 other full time aural services.

As shown by this data, the entire WGEN-FM gain and loss areas are well served, receiving well in excess of 5 other full time aural services. Thus, the small loss area

iment to the proposed upgrade of WGEN-FM and the associated change of its community of license.

- CARL E. SMITH CONSULTING ENGINEERS -

associated with the modifications proposed in this proceeding should not be an imped-

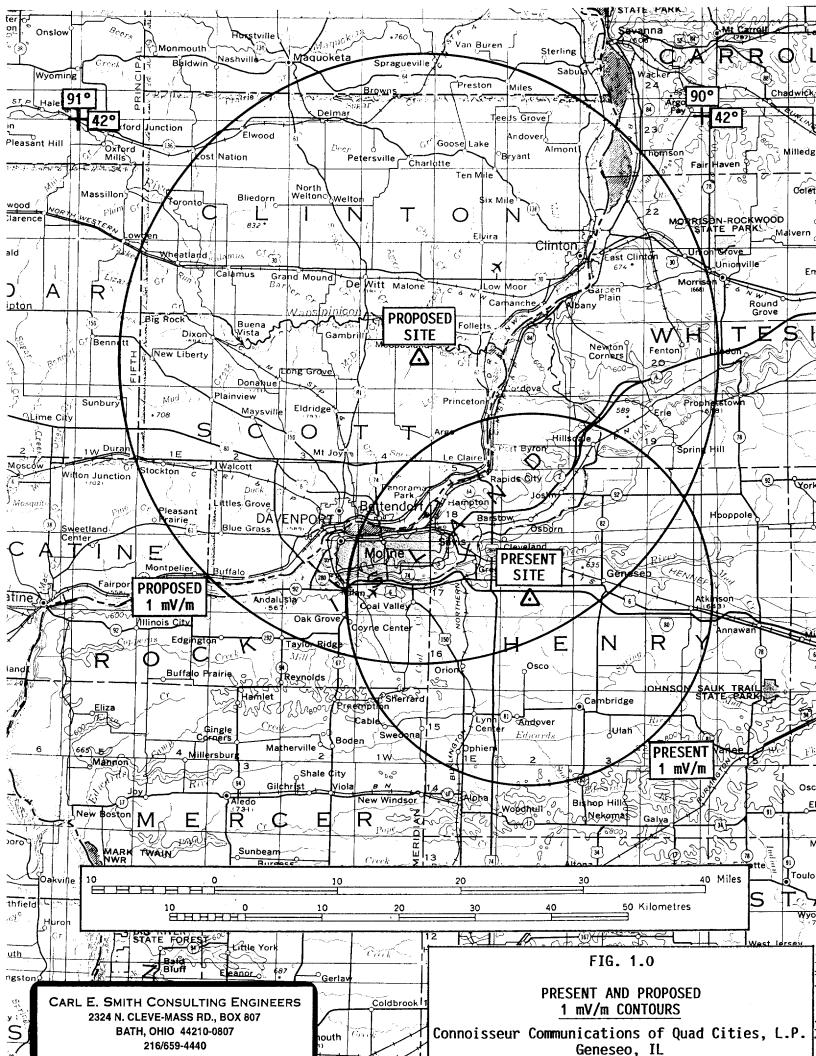


TABLE 1.0

STATIONS PROVIDING FULL TIME SERVICE TO WGEN-FM GAIN AREA

Connoisseur Communications of Quad Cities, L.P. Geneseo, IL

Frequency/ <u>Channel</u>	Location
600	Cedar Rapids, IA
670	Chicago, IL
720	Chicago, IL
780	Chicago, IL
890	Chicago, IL
1040	Des Moines, IA
1170	Davenport, IA
1230	Moline, IL
1270	Rock Island, IL
1340	Clinton, IA
1420	Davenport, IA
1540	Waterloo, IA
203A	Davenport, IA
207C1	East Moline, IL
212C1	Rock Island, IL
219C	Iowa City, IA
225C1	Dubuque, IA
226A	Muscatine, IA
228A	Bettendorf, IA
232A	Sterling, IL
234A	Clinton, IA
235B	Galesburg, IL
	Channel 600 670 720 780 890 1040 1170 1230 1270 1340 1420 1540 203A 207C1 212C1 219C 225C1 226A 228A 232A 234A

TABLE 1.0 (cont'd)

<u>Call</u>	Frequency/ <u>Channel</u>	<u>Location</u>
KMAQ-FM	236A	Maquoketa, IA
KMXG*	241C1	Clinton, IA
WMT-FM	243C1	Cedar Rapids, IA
WXLP	245B	Moline, IL
WHTS	255B	Rock Island, IL
KBOB	259C1	Muscatine, IA
WCCI	262B1	Savanna, IL
KKRQ	264C1	Iowa City, IA
WLLR-FM*	267C2	East Moline, IL
WZZT	274A	Morrison, IL
KUUL*	279C	Davenport, IA
KCQQ*	293C1	Davenport, IA

Notes:

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^{*-} Indicates a station which provides full time service to the entire gain area.

The entire gain area receives a minimum of 13 other full time services, with some portions receiving up to 20 other full time services.

TABLE 1.1

STATIONS PROVIDING FULL TIME SERVICE TO WGEN-FM LOSS AREA

Connoisseur Communications of Quad Cities, L.P. Geneseo, IL

<u>Call</u>	Frequency/ <u>Channel</u>	<u>Location</u>
WMAQ*	670	Chicago, IL
WGN*	720	Chicago, IL
WBBM*	780	Chicago, IL
WLS	890	Chicago, IL
KJOC	1170	Davenport, IA
WKBF	1270	Rock Island, IL
WDLM-FM*	207C1	East Moline, IL
WVIK*	212C1	Rock Island, IL
KSUI	219C	Iowa City, IA
WJRE	230A	Kewanee, IL
WAAG	235B	Galesburg, IL
KMXG*	241C1	Clinton, IA
WXLP*	245B	Moline, IL
WHTS*	255B	Rock Island, IL
квов	259C1	Muscatine, IA
WLLR-FM*	267C2	East Moline, IL
WHHK	273A	Galva, IL
KUUL*	279C	Davenport, IA
KCQQ*	293C1	Davenport, IA

Notes:

CARLE SMITH CONSULTING ENGINEERS

^{* -} Indicates a station which provides full time service to the entire loss area.

The entire loss area receives a minimum of 12 other full time services, with some portions receiving up to 17 other full time services.

PRESIDENT

Joe Tabor

Roger Herrington

VICE PRESIDENT

PAST PRESIDENT

Devid A. Necker

319 | EXHIBIT No. 2

COMMENTS OF CONNOISSEUR COMMUNICATIONS OF QUAD CITIES, L.P.

7 8483 PØ1 Dan Burke

Michael Burice Roger Harrington

Merv Hassebrock, O.D. Bob Lee Jeson Meyer

Dave Weiskirch

米 DeWitt

Chamber of Commerce

"CROSSROADS TO OPPORTUNITY"

http://www.roww.com/dewitt

November 8, 1996

Mr. John C. Trent Putbrese Hunsaker & Trent 100 Carpenter Drive Suite 100 Sterling, Virginia 20167-0217

Dear Mr. Trent:

We would like to entertain the possibility of your client, Connoisseur Communications of the Quad-Cities, L.P. locating a radio station in DeWitt, Iowa. The addition of a radio station would be an asset to our community. We have been wanting a radio station in DeWitt for quite some time. With the overall growth of our community, this would enhance our quality of life even further.

We look forward to working with you and your client in whatever way we can. Please feel free to contact the Chamber Office with any further details or concerns.

Sincerely.

Executive Director

DeWitt Chamber of Commerce

maynard Leo Maynard

Mayor

City of DeWitt